

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

RICHARD DALE REBSTOCK, )  
                            )  
Petitioner,             )  
                            )  
vs.                      )       Case No. 4:11CV01688 AGF  
                            )  
STATE OF MISSOURI,     )  
                            )  
Respondent.            )

**MEMORANDUM AND ORDER**

This matter is before the Court on Petitioner's motion for appointment of counsel. There is no constitutional right for a pro se habeas petitioner to have counsel appointed, although the Court has discretion to appoint an attorney when necessary.

*Morris v. Dormire*, 217 F.3d 556, 558 (8th Cir. 2000); *Nachtigall v. Class*, 48 F.3d 1076, 1081 (8th Cir. 1995). Among the factors a court should consider in making this determination are the factual and legal complexity of the case, the ability of the petitioner to present the facts and present his claims, and the degree to which the petitioner and the Court would benefit from such an appointment. *Morris*, 217 F.3d at 558-59; *Hoggard v. Purkett*, 29 F.3d 469, 471 (8th Cir. 1994). Upon review of the record, the Court does not believe that the appointment of counsel is necessary here.

Accordingly,

**IT IS HEREBY ORDERED** that Petitioner's motion for appointment of counsel is **DENIED**. (Doc. No. 4)



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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 25th day of October, 2011.